

CALLED TO ORDER - JOINT MEETING

I. / II. Introductions and Purpose of the Meeting – Mayor

Mayor Schroder called the meeting to order in the Council Chambers at 5:47 p.m.; he welcomed the Commission and the public in attendance. The Council and Planning Commission introduced themselves.

CITY COUNCIL

PRESENT: Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.
EXCUSED: Councilmember Mark Ross.
ABSENT: None.

PLANNING COMMISSION

PRESENT: Donna Allen, AnaMarie Avila-Farias, Lynette Busby, Harriet Burt, Rachael Ford, Jeff Keller, Michael Marchiano.
EXCUSED: Frank Kluber.
ABSENT: None.

CITY STAFF: Philip Vince, City Manager, Karen Majors, Assistant City Manager Community/Economic Development, Veronica Nebb, Sr. Assistant City Attorney, Terry Blount, Planning Manager.

**Planning Commissioner AnaMarie Avila-Farias arrived at 5:50 p.m.*

III. City Council and Planning Commission Roles – Mayor

Mayor Schroder discussed the Planning Commission duties pertaining to State law and as outlined in the City's Municipal Code. He also reviewed decision made by the Planning Commission, advisory recommendations, and the appeal process to Council.

IV. Legal Parameters – Municipal Ordinance, Conflict of Interest, and Brown Act – Senior Assistant City Attorney, Veronica Nebb

Assistant City Attorney Veronica Nebb provided information as to the quorum for each body; three for City Council and four for the Planning Commission.

**Planning Commissioner Rachael Ford arrived at 5:45 p.m.*

Assistant City Attorney Nebb provided a booklet entitled “Brown Act and Conflict of Interest.” She reviewed the purpose of the Brown Act, and the types of meetings of City Council, commissions, committees and boards which are and are not subject to the requirements of the Brown Act. She further discussed the permissibility of meeting with staff and the requirements to avoid serial meetings. Ms. Nebb discussed the difference between ad hoc committees and standing subcommittees.

Assistant City Attorney Nebb went over the regulations for the Conflict of Interest, Political Reform Act of 1974, and touched on some of the recent amendments. She discussed the types of economic interests which trigger possible conflict issues, i.e., business, income, position, real property, gifts, and personal expense and when those issues should be brought to the attention of staff. Ms. Nebb spoke about the process to determine if an individual has a conflict of interest.

In response to an inquiry from Mayor Schroder, Assistant Attorney Nebb discussed the possible Brown Act and Due Process implications when the members of one body (such as the City Council or Planning Commission) attend and or speak at the meetings of the other body. She noted that the question of attendance by members of one body at the meetings of the other is ultimately a question of policy for the Council’s consideration.

**Councilmember Michael Menesini arrived at 6:04 p.m.*

V. City Goals and Priorities – Mayor and Council

Council discussed several priorities. Mayor Schroder commented on implementation of Measure H, moving forward with the Marina, downtown revitalization, and implementation of the Downtown Specific Plan.

Vice Mayor DeLaney added as a priority establishing a redevelopment ordinance, purchase of 610 Court Street, North Pacheco and Alhambra Valley annexations, incentives for housing projects, and discussing the medical marijuana issues.

Councilmember Menesini stated that he would like to find economic ways for property owners/business owners to seek financial assistance in retrofitting their buildings under the City’s current Uniform Reinforced Masonry Ordinance. He also suggested that due to the financial challenges the City faces, the City needs to find ways in which to venture and partner with the County and School District and does not see redevelopment as a top priority.

Planning Commissioner Harriett Burt stated that how the City deals with the short term goals can hurt the long term projects. Ms. Burt suggested she would like to move forward on the process of updating and adopting a good General Plan so that applicants waiting to develop, staff and the community will know what the rules are.

Councilmember Kennedy agreed with all the comments, but clarified that redevelopment is important and needs to be looked at. She commented that she would like to see added to the priorities that the City’s level of service be maintained.

VI. Staffing Resources and Constraints – City Manager Phil Vince

City Manager Phil Vince reviewed the number of City projects versus available staff and the amount of time spent on each project. He indicated that there are staffing and budget constraints that need attention. Mr. Vince recommended the application and permit issuance process be reviewed, and more fully implemented with Accela.

City Manager Vince suggested better use of new technology, and a new reorganization of the department/city be conducted in order to save time and money so that the same level of customer service can be maintained with dwindling staff.

VII. Discussion and Questions

Item taken at the end of the meeting.

VIII. / IX. General Plan Update Work Program Study Session & Next Steps – Planning Manager Terry Blount

Assistant City Manager Karen Majors introduced Planning Manager Terry Blount and Consultant Jeff Baird of Baird and Driskell Community Planning who has been assisting the City with the development of the General Plan Update Work Program.

Planning Manager Blount and Consultant Baird showed a PowerPoint presentation outlining the overall approach and objectives in order to proceed with the General Plan Update; including proposed roles and responsibilities, proposed participation modules, and work program—detailed list of work program tasks, phases for the update, staffing and management priorities including formation of a task force, community outreach approach, and budget.

Mr. Blount noted that the General Plan must cover the following elements or topics: land use, circulation, housing, conservation, open space, noise and safety. In addition, agencies may cover other topics of concern such as arts and cultural and Fiscal/Economic Development elements, which will likely be added.

Mayor Schroder commented that he liked the additional elements and suggested that the size of the task force be kept to a manageable size and that perhaps a Councilmember and a Planning Commissioner be included.

Vice Mayor DeLaney mentioned that she would like to see a vast outreach performed including posting signs in medians, use of Facebook, and anything to pull in the public.

Planning Commissioner Donna Allen questioned what boundaries would be used in completing the General Plan. Planning Manager Blount stated it would encompass the entire City up to and including the City's sphere of influence.

Councilmember Michael Menesini recommended that they contact community groups, use internet chatrooms, and place notices in water billings.

Discussion and Questions – All

Phillip Ciaramitaro expressed his disapproval with Council's approval of contracts involving a considerable amount of money to individuals who are on the Planning Commission and Design Review Committee. Mr. Ciaramitaro stated that was a conflict of interest, since both the Planning Commissioner and the Design Review Member were in a voting capacity.

Mike Alford echoed Mr. Ciaramitaro's comments.

Tim Platt requested that a handout be distributed on the General Plan workshops providing information on what will be discussed prior to the workshops. He also suggested that a historic resource be added as an Element to the General Plan. Mr. Platt noted that since the General Plan will be around for 20 years, it should be one that the majority of the community agrees with.

Marshall Cochran stated that he read an article whereby the City was considering adding 1400 housing units. Mr. Cochran wondered if there was a document that provided this information and requested a copy of it. Staff indicated that the document was the City's Housing Element, which was on the website.

Richard Verrilli stated that there seemed to be an apparent conflict of interest in awarding the landscape architect contracts to members on commissions and committees. He urged the Council to perhaps discuss the matter with the members so that they could make a decision whether to keep their seats or resign. Mayor Schroder stated that it was their decision to make.

X. Adjournment

Adjourned at 7:34 p.m. to a Regular City Council Meeting.

Approved by the City Council,

Rob Schroder, Mayor

**The Council recessed and returned to the dais with all members present except Councilmember Ross who arrived shortly after roll call.*

CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

Mayor Schroder reconvened the meeting at 7:45 p.m. He reported that a Joint City Council and Planning Commission study session was held at 5:30 p.m. which ran over the time allotted.

PRESENT: Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

A. City Treasurer Carolyn Robinson, Bond Oversight Committee Update.

City Treasurer Carolyn Robinson gave a recap of the last meeting of the Bond Oversight Committee held on January 19, 2010. The meeting included a summary of the bond account finances, the plans for the library and the pool project, and the plans for Rankin Park, Holiday Hills, and Tavan Estates.

Mayor Schroder asked about the use of the interest received on the bonds. Treasurer Robinson explained that the longer the money was left in the account, the more interest it would gain, but that the possible rising costs of the project would account for it. City Manager Philip Vince added that the City's goal was to get the projects done as soon as possible. Vice Mayor DeLaney asked about the process for awarding contracts for the landscaping. Public Works Director Dave Scola explained that there was a pool of eligible contractors who would compete for each project as it came up.

Council expressed their appreciation of Treasurer Robinson's thorough updates.

**Councilmember Mark Ross arrived at 8:00 p.m.*

PUBLIC COMMENT

(COMPLETE SPEAKER CARD AND GIVE TO CLERK) Reserved only for those requesting to speak on items not listed on the Agenda.

Dr. Norman McDonald questioned the vote from the last meeting with respect to Cascara Canyon. He stated that he did not agree with the Council and realized that the Council does not want to listen to the community. Dr. McDonald felt that their votes were political and stated that he will not vote for them again.

Russ Holt requested more police presence in the area of Palisade Dr., Morello Rd. and Muir Rd., and further recommended that "No Parking" signs be posted along Shell, Terrace, and Harbor.

He also requested that the Council address the proposed renaming of Mount Diablo. Mayor Schroder noted that the Council was working on the issue of parking on Shell Avenue.

Mike Arsnol, Medical Marijuana advocate, expressed his support for establishing a Medical Marijuana facility in Martinez, and noted that this would provide the City with a good source of revenue. Mayor Schroder suggested that they attend the next Public Safety Subcommittee meeting on March 8th.

Barbara Lucero indicated that she purchased a home in Martinez and now lives between two homes that are in total disrepair, with garbage everywhere, and are infested with rodents. Ms. Lucero submitted photos and requested assistance from the Council. Staff was directed to write a letter informing Ms. Lucero what steps the City will take and how long the process will take to abate the problems.

Phillip Ciaramitaro asked questions about the Brown Act with respect to the posting of Subcommittee and Ad Hoc Subcommittee meetings, which Mayor Schroder answered.

Mike Alford spoke on the issues of redevelopment and the City's use of consultants; he also commented on crimes being committed throughout the City.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of January 20, 2010. [M.Cabral]
2. Motion approving Check Reconciliation Register dated 02/04/10. [C.Spinella/02.01.01]
3. Resolution No. 016-10 approving the application for Statewide Park Program Grant Funds for the Martinez Waterfront Park Enhancement and Expansion Project. [M.Wierschem/09.01.00]

Mayor Schroder noted that no one in the audience wished to comment on Items #1 through #3.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, Items #1 through #3 of the Consent Calendar. Motion unanimously passed 5 – 0.

PUBLIC HEARING(S)

CITY MANAGER

4. Resolution accepting the Mid-Year Financial Report and approving mid-year adjustments for the Fiscal Year 2009-10. [C.Spinella/02.01.00]

Finance Manager Cathy Spinella presented the staff report. Ms. Spinella indicated that the Budget Ad Hoc Committee reviewed the budget and recommended forwarding it to the Council. Finance Manager Spinella reported that overall revenues received the first half of the year are down \$841,000 over last year; most of the decline was anticipated and it was addressed in

building the 2009/10 budget. There are amendments being recommended to decrease revenue totaling \$413,000, with the largest adjustments--to decrease income earnings by \$200,000, and remove \$210,000 in Federal Stimulus money the City will not receive for two Police Officer positions.

Councilmember Kennedy asked about the decreased funding for Police positions - whether it was actually funded and then lost or whether it was only anticipated but not received. Ms. Spinella confirmed it was anticipated funding that was expected as part of the Stimulus package, and she noted that it might still be approved and received in the next go-round, and then will be included in the next budget cycle.

Councilmember Kennedy also asked about the part-time positions that are being converted to full-time positions. Ms. Spinella explained that they were currently part-time, temporary positions paid through the Water Fund, and converting them to fulltime, permanent positions will cost another \$80,000 to \$85,000 annually. She confirmed that the proposed reductions to the General Fund budget will not result in any staff reductions.

Vice Mayor DeLaney asked about the impact on Police Department staffing if the City does not receive the Stimulus funding in the next go-round. She also asked for an estimate on the next year's changes in property and sales tax revenues. Ms. Spinella noted that the City's staff had a list of revenues that will likely decrease and a list of recommended budget reductions for the next cycle based on the decreased revenues, and that all of this would be re-analyzed as the numbers become clear. She indicated that the potential Stimulus funding for police positions will not be included in the budget projections until it is known that the City will receive the money.

Councilmember Menesini asked about the effect on property tax revenues of the reassessment of homes, and the timing of when the property tax revenues would be revisited. Finance Manager Spinella noted that most cities budget for an inflation increase in property tax, which was not included in this proposed budget. City Manager Vince noted that the making of the budget was a very fluid process, and that the City had to allow for several different scenarios for the five-year projections.

Vice Mayor DeLaney also asked for an explanation of the increase in legal costs. City Manager Vince noted that it was mainly for a case dealing with land use issues. Vice Mayor DeLaney and Councilmember Menesini added that the Council was working particularly hard and spending a great deal of money on the case, which was for the protection of open space.

Councilmember Menesini asked if future plans for the revitalization of the downtown would be brought back to the Council. City Manager Vince noted that a report on that issue would be forthcoming in March.

Mayor Schroder opened the item for public comment.

Mike Alford expressed concern for the advisability of basing the City budget on projections that might turn out to be wrong, and noted that he disagreed with some of the City's fiscal decisions.

Marta Van Loan asked about the meaning of the acronym URM, which the Mayor answered stating that URM meant unreinforced masonry. Ms. Van Loan asked if the specific plans for the revitalization of downtown had been decided yet, and asked that the City consider tools other than a redevelopment agency.

Rich Verrilli asked how much longer the issue of redevelopment would need to be studied and how many more consultants would have to be hired. Mayor Schroder noted that there were other costs associated with redevelopment than just the consultants.

Tim Platt expressed concern for the proposed expenditures on the consultant and the redevelopment agency. He noted that he and others in the community were concerned about many of the steps the Council was taking.

Seeing no further speakers, Mayor Schroder closed public comment on the item.

Vice Mayor DeLaney noted that the current proposed budget did not include a deficit. Finance Manager Spinella confirmed that there was a decrease in the General Fund for one-time costs. She added that many cities in California did not have a reserve, and the City was comparatively fortunate. Mayor Schroder added that the City was also pursuing several revenue enhancements.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 017-10 accepting the Mid-Year Financial Report and approving mid-year adjustments for the Fiscal Year 2009-10. Motion unanimously passed 5 - 0.

5. City Manager Comment(s)/Update(s)/Report(s).

City Manager Philip Vince stated that staff is currently working on a two-year budget and beginning the ground work on Police and Local 324 negotiations, and that staff continues to work on Council's priorities.

Vice Mayor DeLaney asked when the negotiation process was anticipated to begin. City Manager Vince stated that the contract would expire in June and that the groundwork for the negotiations was already started.

CHIEF OF POLICE

6. Chief of Police Comment(s)/Update(s)/Report(s).

Chief of Police Tom Simonetti announced that on February 24th at 9:00 a.m., the City of Pleasant Hill will be dedicating five trees, four trees in memory of the four Oakland Police Officers, and one tree in memory of Sgt. Paul Starzyk.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

7. City Council Comments.

Councilmember Janet Kennedy acknowledged Leanne Peterson and the members of Main Street Martinez, the business owners, and the public who attended for an excellent Wine Stroll; she congratulated the Martinez Education Foundation for all their years of accomplishments and partnerships.

Vice Mayor Lara DeLaney requested that Code Enforcement take immediate steps to deal with property owners who are ruining the neighborhoods and causing others to have to deal with horrendous living conditions.

Councilmember Ross agreed that these code violations were a huge problem, both in the neighborhoods and in the downtown, and stated that the City should attempt to rectify the situation immediately and bill the owners for the work involved.

Councilmember Michael Menesini echoed Vice Mayor DeLaney's comments. He further added that he reviewed another location very similar to the one discussed earlier, and that staff needs to move forward and come down hard on individuals who are threat to public safety. He also noted that a budget increase for Code Enforcement might be required. He requested that the meeting be adjourned in memory of his Uncle, Lou Menesini.

Mayor Rob Schroder congratulated the Martinez Historic Society for a wonderful crabfeed. Mayor Schroder recognized Cathy Spinella for all her efforts and apologized for neglecting to introduce her at the State of the City.

ADJOURNMENT

Adjourned at 8: 57 p.m. in memory of Lou Menesini, then to a Regular City Council Meeting on March 3, 2010, at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 3/17/10